

## **REMARKS/ARGUMENTS**

### ***Claim Objections***

1. Claim 19 was objected to in the Office Action. Applicant has made the Examiner's suggested changes. No new matter has been added.

### ***Claim Rejections - 35 USC § 102***

2. The Examiner has maintained his rejection of claims 1-2 under §102(b) as being anticipated by Artzberger, USPN 4,784,519.

3. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d. 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as contained in the . . . claim." *Richardson v. Suzuki Motor Co.*, 828 F.2d 1226,1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). MPEP § 2131.

4. Claim 1 includes the limitation that "said pitch controller utilizing the rotation of said drive shaft to rotate said blades about their longitudinal axis."

5. Artzberger does **not** disclose this element. In fact, Artzberger utilizes a pitch control arm (28/31) and/or a lever/cam roller (38/35) to change pitch. These are mechanical operations where the device's operator uses his/her physical strength to manipulate handles (levers) on the device so as to cause pitch changes. In Artzberger, the rotation of the drive shaft is thus **not** used to change the pitch.

6. The application discusses this ***Artzberger*** style of prior art where pitch changes are made via the physical exertion of the operator, for instance paragraphs [0009] and [0010] (emphasis added) state:

A third disadvantage to the prior art yoke and thrust collar system is the fact that the user must physically supply the force necessary to move the thrust collar into engagement with the fingers of the arms of the blades. Various mechanical means are shown in the prior art which help reduce the amount of force required, but the fact remains that the user is still required to physically depress or lift the thrust collar. What is needed is a pitch controller that does not require the user to physically manipulate the thrust collar.

A fourth disadvantage to many renditions of the old yoke system is the convenience of the user. The trailing edge of each trowel blade, which contacts the concrete surface on which the machine rests, is spaced from the blade's pivot axis. Any change in blade pitch therefore transfers the machine's weight by raising or lowering the machine on the surface. Since the machine is generally quite heavy, usually weighing several hundred pounds, the screw handle used for blade pitch adjustment must have threads with a very small pitch to permit the operator to rotate it conveniently. Consequently, the blade pitch adjustment can be made only very slowly. This has been proven to be unsatisfactory in many situations. Some concrete finishing machines have overcome the slow pitch adjustment afforded by the screw handle described above by replacing the screw handle with a long lever attached to the machine's framework. Although this configuration permits a rapid adjustment of the blade pitch, it is not generally convenient to use. This is because the lever requires large movements for lever advantage and because the lever is not conveniently located on the machine handle itself and thus requires the operator to control the machine using merely one hand and unsteady footing. What is needed is a means of changing pitch which requires less digital manipulation than the prior art methods.

7. This physical manipulation (turning screws, depressing handles, wrestling with the machine to effectuate a pitch change, etc.) causes fatigue in a user over a day's work.
8. One of the benefits of the present invention is that this source of fatigue is eliminated because the pitch controller utilizes the rotation of the drive shaft (and not physical manipulation) to rotate the blades about their longitudinal axis.
9. As such, the Artzberger reference does not anticipate claims 1 or 2 of the present invention and said claims are patentable there over.

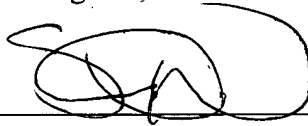
**CONCLUSION**

If the Examiner feels it would advance the application to allowance or final rejection, the Examiner is invited to telephone the undersigned at the number given below.

Reconsideration and allowance of the application as amended is respectfully requested.

DATED this 11<sup>th</sup> day of July 2005.

Best regards,



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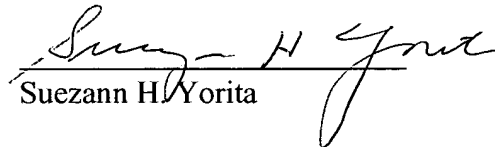
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**CERTIFICATE OF MAILING**

I HEREBY CERTIFY that this correspondence is being deposited with the United States Postal Service on the below date as first class mail in an envelope addressed to:

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DATED: July 11, 2005.

  
Suezann H. Yorita